FACT SHEET – ~~INTERNAL ONLY~~

Environmental Stewardship Initiatives for
VF300 Fence Construction along the Southwest Border
U.S. Border Patrol Yuma Sector
August 2011

U.S. Customs and Border Protection

The following is a summary of the environmental stewardship initiatives undertaken by U.S. Customs and Border Protection (CBP) during the planning, construction, and post-construction stages associated with installing tactical infrastructure (TI) along the U.S./Mexico International Border in the U.S. Border Patrol (USBP) Yuma Sector for TI sections "CV-1A", "CV-2", and "CV-2A." TI is a term used by the USBP to describe the physical structures that facilitate enforcement activities. These items typically include, but are not limited to, roads, vehicle and pedestrian fences, lights, gates, and boat ramps. TI constructed under CBP's Secure Border Initiative (SBI) Vehicle Fence 300 (VF300) Program within the Yuma Sector consisted of vehicle fence and construction/maintenance roads along the U.S./Mexico International Border in Yuma county, Arizona. Temporary construction staging areas and access roads were also required to build the TI. This Fact Sheet provides the environmental impacts anticipated during pre-construction planning and those actually encountered during and following construction. In addition, it describes stakeholder outreach efforts that were carried out during all phases of the project, contributing partners, and any continuing issues.

On April 1, 2008, the Secretary of the U.S. Department of Homeland Security (DHS), pursuant to Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, as amended, exercised the waiver authority and waived certain environmental and other laws in order to ensure the expeditious construction of TI along the U.S./Mexico International Border. The TI described in this Fact Sheet is covered by the Secretary's April 1, 2008, waiver. Although the Secretary's waiver means that CBP no longer has any specific legal obligations under the laws that are included in the waiver, the Secretary has committed DHS to responsible environmental stewardship of our valuable natural and cultural resources. CBP strongly supports the Secretary's commitment to responsible environmental stewardship. To that end, CBP prepared a pre-construction Environmental Stewardship Plan (ESP), which analyzed the potential environmental impacts associated with construction of TI. Following construction, CBP prepared an Environmental Stewardship Summary Report (ESSR), which compared the final completed action to the original planned for installation of TI.

The following is a summary of CBP's environmental stewardship efforts.

- CBP carried out environmental stewardship efforts before, during, and after construction.
- Environmental impacts that resulted from this project were positive and negative.
- Best Management Practices (BMPs) were developed and carried out to minimize negative environmental impacts.
- Stakeholder public outreach was conducted during all phases of the project. Some of the stakeholder input resulted in changes to the project.

Vehicle Fence – Post-on-Rail Style
Section CV-1A

- CBP participated in interagency and intergovernmental coordination activities to help minimize potential environmental impacts and streamline environmental processes. Some of the input also resulted in changes to the project, such as the relocation of 932 feet of existing vehicle fence outside of the Morelos Dam spillway.

After construction within these sections of the USBP Yuma Sector, the following were determined:

- Approximately 280.3 acres of land were disturbed from the installation of TI in these sections. This represents a reduction of 109.5 acres from what was predicted in the ESPs prior to construction.

- No impacts on cultural resources occurred. Temporary fencing was placed around the International Border Monuments prior to construction, and they were monitored during construction to ensure no adverse effects occurred.
- There were negligible impacts on wetlands and waters of the United States. Dozens of washes and five wetland areas were identified prior to construction within the project area. BMPs and appropriate mitigation measures were taken to ensure that impacts would be negligible.
- There were two federally listed animal species that were adversely impacted. There were no impacts on federally listed plant species or critical habitats of federally listed plants.

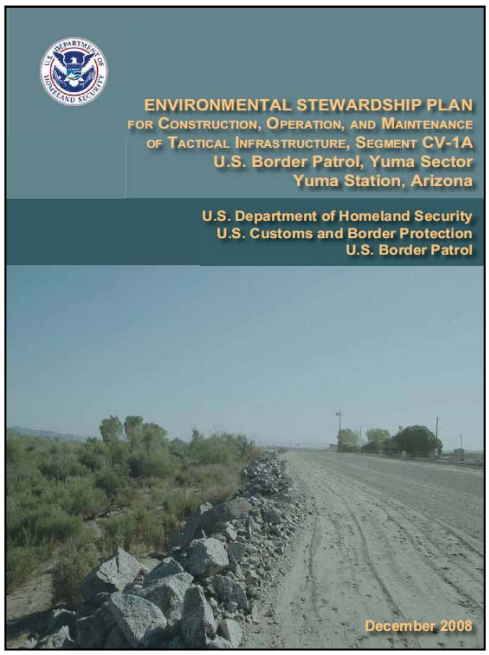
ENVIRONMENTAL STEWARDSHIP COMPONENTS

CBP carried out environmental stewardship initiatives during all phases of the project, before, during, and after construction. Each component is discussed in the following paragraphs.

PRE-CONSTRUCTION

Environmental Stewardship Plans – In late 2008 and early 2009, prior to construction, CBP developed three ESPs for these VF300 sections in the USBP Yuma Sector.

- December 2008 – *Environmental Stewardship Plan for Construction, Operation, and Maintenance of Tactical Infrastructure, Segment CV-1A U.S. Border Patrol, Yuma Sector, Yuma Station Arizona* (CV-1A).
- December 2008 – *Environmental Stewardship Plan for the Construction, Operation, and Maintenance of Vehicle Fence and Related Tactical Infrastructure U.S. Border Patrol Yuma Sector, Wellton Station, Arizona* (CV-2).
- January 2009 – *Environmental Stewardship Plan for the Construction, Operation, and Maintenance of Vehicle Fence and Related Tactical Infrastructure U.S. Border Patrol Yuma Sector, Arizona* (CV-2A).



These three ESPs discuss the unique biological, geographical, and environmental conditions associated with the areas proposed for TI and include BMPs designed to reduce and offset potential environmental impacts. The ESPs are available to the public and are online at http://cbp.gov/xp/cgov/border_security/ti/ti_docs/.

Biological Resources Field Surveys and Plans – CBP carried out pre-construction surveys to identify existing vegetation and wildlife within the area of the proposed fence and construction/maintenance road corridor, construction staging areas, and construction access roads. Subsequently, a BRP was developed in coordination with the U.S. Fish and Wildlife Service to summarize findings and incorporate them into the ESPs.

- April 2009 – *Biological Resources Plan for Vehicle Fence and Supporting Infrastructure for Yuma Sector, Arizona, Yuma and Wellton Stations.*

Special attention was paid to identifying federally listed species and critical habitats of federally listed species within the project area.

Estimated Footprint – It was estimated prior to construction that approximately 389.8 acres of land would be disturbed from the installation of TI in these sections of the USBP Yuma Sector.

Examples of potential environmental impacts and the BMPs and mitigation measures used to minimize these impacts are listed in **Table 1.** Not all anticipated environmental impacts were adverse; in fact, some were positive. CBP predicted that the installation of TI would reduce the amount of smuggling and illegal immigration, which would have a beneficial effect on national security and socioeconomics. The reduction in illegal cross-border activity would reduce vehicle traffic in sensitive habits and benefit threatened and endangered species and their habitats.

Table 1. Potential Environmental Impacts and BMPs/Mitigation Measures Identified Prior to Construction

Potential Environmental Impact (Cultural, Species, Wetlands)	BMPs and Mitigation Measures to Reduce or Eliminate the Potential Environmental Impact
Discovery of cultural resources in work area	• Halt construction until authorized to proceed by a qualified archaeologist who will consult with appropriate resource agencies • Place temporary fencing around International Boundary Monuments to establish a 2-meter buffer
Discovery of federally protected species in work area	• Halt construction until an environmental monitor can safely remove the protected species or it moves away on its own
Wildlife impacts due to construction	• Survey the area for migratory bird nests immediately prior to construction • Integrate wildlife escape ramps into open trenches and excavations • Cap vertical bollards to prevent birds from falling inside • Minimize the removal of saguaro cacti, which is a forage species for the lesser long-nosed bat • Where practical, transplant saguaro plants outside of the project area to avoid their destruction
Introduction of invasive species	• Wash equipment prior to use to minimize introduction of nonnative species • Remove only the minimum amount of natural vegetation • Remove invasive species that appear
Change in size of wetlands and surface waters	• Halt construction during heavy rains • Avoid wash crossings at channel bends when practical alternatives exist • Establish and follow a Storm Water Pollution Prevention Plan

DURING CONSTRUCTION

CBP contracted independent environmental monitors (i.e., for biological and cultural resources) to be present during all construction activities. The monitors' responsibilities included documenting adherence to the BMPs prescribed in the ESPs, identifying environmental impacts that occurred beyond those predicted in the ESPs, and ensuring that federally listed species and cultural resources were not impacted by the TI construction activities. CBP's environmental monitors worked during all construction activities, which occurred from October 2008 to March 2009 and in July 2010.

Construction Efforts Avoid a Saguaro Cactus
Section CV-2

The environmental monitors reported that most BMPs prescribed in the ESPs were followed; see **Table 1** for examples of BMPs. However, some deviations did occasionally occur, including the following:

- Lack of flagging around work areas, especially access roads
- Unnecessary off-road driving
- Improper road widening
- Vertical bollards without temporary or permanent covers
- Lack of drip pans underneath stored equipment.

No significant impacts on environmental resources resulting from the BMP infractions were reported.

Environmental monitors also assisted construction contractors to reduce impacts on saguaro cacti, which is a forage species for the endangered lesser long-nosed bat. The locations of saguaro cacti were recorded and efforts were made to minimize their destruction. Transplantable cacti were removed from the project area and replanted elsewhere. Of

the 276 saguaro cacti identified in Sections CV-2 and CV-2A, only 17 were impacted and 3 of these cacti were transplanted outside of the project area.

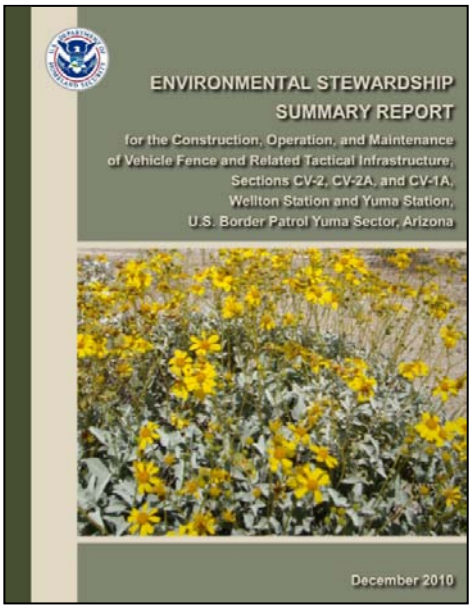
Unexpected field conditions during construction occasionally required practical changes to the plan for placement and design of the TI. One such occurrence took place when approximately 932 feet of existing vehicle fence was relocated from within the Morelos Dam emergency spillway and an additional 320 feet of vehicle fence was constructed outside of the spillway. This relocation action was conducted because vehicle fence within the spillway could adversely impact by-pass flows during flood conditions and flooding could damage the integrity of the fence. In these situations, CBP conducted additional environmental surveys and analyses to determine the potential environmental impacts and the appropriate BMPs needed to support the changes. Most changes to the design and placement of the TI were minor and included slight refinements of fence type and footprint to meet operational requirements.

Environmental Monitor Waters Transplanted Saguaro Cactus

Section CV-2A

POST-CONSTRUCTION

Environmental Stewardship Summary Report – CBP conducted post-construction field surveys of biological and cultural resources and prepared an ESSR.



- December 2010 – *Environmental Stewardship Summary Report for the Construction, Operation, and Maintenance of Vehicle Fence and Related Tactical Infrastructure, Sections CV-2, CV-2A, and CV-1A, Wellton Station and Yuma Station, U.S. Border Patrol Yuma Sector, Arizona*.

The ESSR provided the following information:

- Identification of the final locations of TI and acreages of areas impacted
- An environmental baseline for future TI maintenance and repair efforts
- Documentation of the overall adherence and successes of the BMPs implemented during construction
- A record of the differences between the final locations and types of TI and those that were identified in the ESPs.

CBP's post-construction field surveys found that 280.3 acres of land were disturbed from the installation of TI in these sections. **Table 2** summarizes the estimated pre-construction and actual post-construction ground disturbance totals.

Table 2. Estimated Pre-Construction and Actual Post-Construction Ground Disturbance

Construction Activity	Estimated Disturbance in Acres (linear miles)	Actual Disturbance in Acres (linear miles)	Difference in Acres (linear miles)
Fence and Construction/Maintenance Road Corridor	114.3 (15.40)	86.5 (15.33)	-27.8 (-0.07)
Construction Access Roads	233.5	166.3	-67.2
Construction Staging Areas	42.0	27.5	-14.5
Total Impacts	**389.8**	**280.3**	**-109.5**

The overall reduction in disturbed area from that anticipated prior to construction is attributed to a reduction in the widths of the fence and construction/maintenance road corridor and the construction access roads. Approximately 24

percent of the area proposed for the fence and construction/maintenance road corridor and 29 percent of the area proposed for construction access roads were not needed and, therefore, were not disturbed. The 35 percent reduction in the area needed for construction staging areas largely resulted from contractors limiting the sizes of the construction staging areas.

Additionally, CBP's post-construction field surveys concluded the following:

- No impacts on cultural resources occurred. Temporary fencing was placed around the International Border Monuments prior to construction, and they were monitored during construction to ensure no adverse effects occurred.
- There were negligible impacts on wetlands and waters of the United States. Dozens of washes and five wetland areas were identified prior to construction within the project area. BMPs and appropriate mitigation measures were taken to ensure that impacts would be negligible.
- There were two federally listed animal species that were adversely impacted. There were no impacts on federally listed plant species or critical habitats of federally listed plants. **Table 3** shows that the actual impacts were considerably lower than what was predicted prior to construction.

Vehicle Fence – Normandy Style
Section CV-1A

Table 3. Estimated Pre-Construction and Post-Construction Impacts on Federally Listed Species

Method for Species Counts	Animals		Plants	
	Species	Critical Habitat	Species	Critical Habitat
Federally listed species and suitable habitat identified in the Biological Resources Plan	7	0	0	0
Federally listed species observed during pre-construction surveys[a] or construction monitoring[b] within the project area	0	0	0	0
Federally listed species and suitable habitat impacted by construction	2	0	0	0

Notes: [a] Based on the proposed project area [b] Based on surveys and monitoring of revised project areas

STAKEHOLDER OUTREACH ACTIVITIES

Throughout all phases of this project, CBP reached out to stakeholder organizations and regulatory agencies to incorporate their input as potential environmental impacts were identified, evaluated, and mitigated, as necessary. Outreach efforts included the following:

- **Open House** – The general public was invited to receive information and provide comments at an open house event on May 15, 2008, at The Shilo Inn Hotel in Yuma, Arizona.
- **Incorporation of Comments** – CBP solicited comments from the following:
  - Federal, state, and municipal government agencies
  - Non-government organizations
  - Native American tribes
  - Stakeholder organizations
  - Private individuals.

  For these TI sections, three comments were received, considered, and incorporated into the ESPs by CBP, as applicable.
- **Government Agency Coordination** – CBP directly coordinated with government agencies including the following:

- U.S. Section, International Boundary and Water Commission
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- Arizona State Historic Preservation Office.

The information received from the outreach efforts resulted in numerous changes to the project, most notably the relocation of 932 feet of existing vehicle fence outside of the Morelos Dam spillway to minimize potential environmental impacts.

CONTRIBUTING VF300 PROGRAM PARTNERS

To accomplish the 2006 Congressional mandate for the DHS/CBP to construct approximately 700 miles of border fence along the U.S./Mexico International Border by the end of December 2008, the DHS enlisted the assistance and expertise of interagency departments and other governmental agencies to provide management and subject matter experts for environmental stewardship, construction, real estate acquisition, and contracting tasks. Contributing partners include the following:

- Office of Border Patrol
  - Yuma Sector
- U.S. Army Corps of Engineers
  - Fort Worth District
  - Los Angeles District.

CONTINUING ISSUES

The Bureau of Reclamation has initiated a project to perform maintenance on the Morelos Dam spillway, (b) (7)(E) (b) (7)(E) When the spillway maintenance project is completed, CBP will (b) (7)(E) CBP remains committed to environmental stewardship and will continue to monitor the TI sections for potential issues.